

MAR 01 2005

PTO/SB/1 (11-03)

Approved for use through 07/31/2005. OMB 0581-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional) 05235.00002
First Named Inventor: BOYLE, Thomas J. Art Unit: 3752		
Application Number: 09/989,783 Examiner: HWU, Davis D.		
Filed: 11/20/2001		
Title: Method and System for Testing a Foam-Water Fire Protection System		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9382.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. NOTE: A grantable petition requires the following items: (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.		
1. Petition fee <input checked="" type="checkbox"/> Small entity - fee \$ <u>55.00</u> (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(l)).		
2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form of <u>Not Applicable</u> (Identify the type of reply): <input type="checkbox"/> has been filed previously on _____ <input type="checkbox"/> is enclosed herewith. B. The issue fee of \$ _____ <input type="checkbox"/> has been filed previously on _____ <input type="checkbox"/> is enclosed herewith.		

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-0109 and select option 2.

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55.00 DP

PTO/SB/31 (11-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

03/01/2005

Date


Signature

847-669-3117

Telephone Number

Debra J Fickler

Typed or printed name

46,699

Registration Number, if applicable

12525 Grandview Drive

Address

Huntley, IL 60142-0501

Address

- Enclosure ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unavoidable delay
- ☒ (1) Copy of Originally Filed Power of Attorney; (2) Copy of Previously Filed Change of Correspondence Address; (3) New Revocation and Power of Attorney


CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-8308.

03/01/2005

Date


Signature

Debra J Fickler

Typed or printed name of person signing certificate

(Page 2 of 3)

PTOSB:gn1.03)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
 UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

03/01/2005

Date

48,699

Registration Number, if applicable

Signature

Debra J Fickler

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

This case was transferred from the law firm of Banner & Witcoff, to the Law Office of Debra J Fickler, after Ms. Fickler left the Banner & Witcoff firm. Ms. Fickler's name and registration number was on the original Power of Attorney signed by Applicant Boyle and filed with the application. Please see Exhibit 1. Once Ms. Fickler received the case file from the firm, she filed an Information Disclosure Statement on February 20, 2002 and included with the statement a Change of Correspondence Address. Please see Exhibit 2.

Ms. Fickler was unaware that an Office Action had been issued by the Examiner for this application and was unaware of the abandonment of the application until recently inquiring about the application on the USPTO Website.

Ms. Fickler did not have any reason to believe that the application had gone abandoned. Ms. Fickler had filed an Information Disclosure Statement for this application and included a Change of Correspondence Address. Moreover, in the past, when the Banner & Witcoff firm received an Office Action or other correspondence regarding a case that had been transferred to Ms. Fickler, the Banner & Witcoff firm would send a fax of the correspondence to Ms. Fickler. Ms. Fickler did not receive a fax of the Office Action for this application. Likewise, Ms. Fickler did not have reason to believe that an office had been issued. For example, she had just recently received a first Office Action in an application which was filed 2 months after this application. Therefore, she did not assume that the PTO had issued a first Office Action on this application.

Therefore, Applicant and Practitioner respectfully request that this application be revived and that all further correspondence be sent to Ms. Fickler. A Revocation and Power of Attorney executed by the application has been included with this petition.

(Please attach additional sheets if additional space is needed.)

(Page 3 of 3)

Exhibit 1

Banner & Witcoff Ref. No.

005235.00002

SOLE DECLARATION FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my names;

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled Method and System For Testing Foam-Water Fire Protection Systems, the specification of which

- ☒ is attached hereto.
☐ was filed on _____ as Application Serial Number _____ and was amended on _____ (if applicable)
☐ was filed under the Patent Cooperation Treaty (PCT) and accorded International Application No. _____, filed _____, and amended on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

Prior Foreign Application(s)

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application No.	Date of Filing (day month year)	Date of Issue (day month year)	Priority Claimed Under 35 U.S.C. §119

Prior United States Provisional Application(s)

I hereby claim priority benefits under Title 35, United States Code, §119(e)(1) of any U.S. provisional application listed below:

U.S. Provisional Application No.	Date of Filing (day month year)	Priority Claimed Under 35 U.S.C. §119(e)(1)
Not yet assigned	November 9, 2001	Yes

Prior United States Application(s)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Date of Filing (Day, Month, Year)	Status - Patented, Pending, Abandoned

BANNER & WITCOFF, LTD. Rev 1.0 8-17-2000

Page 1 of 2

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P.008/012

Please type a plus sign (+) inside this box

Exhibit 2

PTO/SB/124 (10-01)

Approved for use through 10/31/2002. OMB 0531-0035

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**CHANGE OF
CORRESPONDENCE ADDRESS
Application**Address to:
Assistant Commissioner for Patents
Washington, D.C. 20231

Application Number	09/989,783
Filing Date	11/20/001
First Named Inventor	BOYLE
Group Art Unit	Not Assigned
Examiner Name	Not Assigned
Attorney Docket Number	05235.000002

Please change the Correspondence Address for the above-identified application to:

☐

Customer Number

Type Customer Number here

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Number Bar Code
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OR

☒Firm or
Individual Name

Law Office of Debra J Fickler

Address

12525 Grandview Drive

Address

City

Huntley

State

IL

ZIP

60142-9501

Country

USA

Telephone

847-669-3117

Fax

847-669-9698

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

☐

Applicant/Inventor.

☐

Assignee of record of the entire interest.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒

Attorney or Agent of record.

☐

Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Printed Name

Debra J Fickler Reg. No. 46,699

Date

02/20/2002

Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple signatures if more than one signature is required, see below.

____ forms are submitted.

Warning: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231.

SEND FEE OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Best Available Copy

The Law Office of
DEBRA J. FICKLER
Intellectual Property and Nonprofit Law

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CENTRAL FAX CENTER**

MAR 01 2005

Debra J. Fickler
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E-mail: dfickler@att.net

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To:	Mail Stop Petition	From:	Debra J. Fickler
On:	Commissioner for Patents	Pages:	12 Total
Fax:	703-872-8306	Date:	March 1, 2005
Re:	Appl. No. 09/989,783	Ref:	05235.00002

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• **Comments:**

Please forward the following communication to Mail Stop Petition.

Thank you for your assistance with this matter.

IMPORTANT/CONFIDENTIAL: This message is intended only for the use of the individual or entity to whom it is addressed. This message contains information from the law office of Debra J. Fickler which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, retention archiving, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number listed above. We will be glad to arrange for the return of this message to our office at not cost to you.

PTO/SB-07 (04-00)

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Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the
United States Patent and Trademark Office

on 03/01/2005
Date


Signature

Debra J Fickler

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. Petition For Revival of An Application for Patent Abandonment Unavoidably Under 37 CFR 1.137(a);
2. Exhibits: 1) Power of Attorney; 2) Change of Correspondence Address;
3. Fee Transmittal (In Duplicate);
4. Credit Card Payment Form; and
5. Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.